

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 691 of 1997

For Approval and Signature:

HON'BLE MR.JUSTICE P.B.MAJMUDAR

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
 5. Whether it is to be circulated to the concerned Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals? : NO

LALLUBHAI DAJIBHAI PARMAR THRO'HEIRS AND L.R.

Versus

CHHOTABHAI LALLUBHAI PARMAR

Appearance:

1. Civil Revision Application No. 691 of 1997
MR BG PATEL for Petitioner No. 1-1/2
MR NALIN K THAKKER for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE P.B.MAJMUDAR

Date of decision: 03/03/2004

ORAL JUDGEMENT

The petitioners are the original defendants of Regular Civil Suit No.306 of 1993, which is filed by the present respondent in the court of the learned Civil

Judge (J.D.), Anand. In the said suit the present plaintiff submitted an application for interim injunction. The trial Court rejected the said application against which the present appellants preferred Misc. Civil Appeal No.315 of 1993. The appellate Court allowed the said appeal and granted interim injunction as prayed for. Against the said order the petitioners - original defendants have preferred this Civil Revision Application.

2 Since this revision application is filed against an interlocutory order, the same is not maintainable in view of the amendment made in Section 115 of the Civil Procedure Code. Hence, the same is rejected on the ground that the same is not maintainable. It will be open for the petitioner to file a substantive petition under Article 227 of the Constitution of India. It is clarified that this Court has not expressed any opinion on merits. The C.R.A. is not entertained only on the ground of its maintainability and the same stands disposed of as not maintainable. Rule is discharged with no order as to costs.

3 At the request of the learned advocate Mr Patel, the interim relief is ordered to be extended till 31st March, 2004.

(P.B. Majmudar, J.)

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